

# The Gazette of India

## EXTRAORDINARY PART II—Section 3—Sub-section (1) PUBLISHED BY AUTHORITY

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### MINISTRY OF FINANCE

(Department of Revenue)

#### NOTIFICATIONS

##### CUSTOMS

New Delhi, the 12th July 1958

G.S.R. 606.—In exercise of the powers conferred by sub-section (1) of section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby directs that a drawback shall be allowed in accordance with and subject to the provisions of the said section and any rules made thereunder, in respect of duty-paid foreign materials used in the manufacture of confectionery, when such confectionery is manufactured in, and exported from, India or the State of Pondicherry or shipped as stores for use on board a ship proceeding to a foreign port.

[No. 214/F No. 34/111/57. Cus-IV.]

#### CUSTOMS AND CENTRAL EXCISE

New Delhi, the 12th July 1958

G.S.R. 607.—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878) and section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following rules the same having been previously published as required under sub-section (3) of the said section 43B, namely:—

#### THE CUSTOMS AND CENTRAL EXCISE DUTIES DRAWBACK (CONFECTIONERY) RULES, 1958

1. **Short title.**—These rules may be called the Customs and Central Excise Duties Drawback (Confectionery) Rules, 1958.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

(a) "duty-paid materials" means—

(i) materials imported into India or the State of Pondicherry on payment of customs duty; and

(ii) indigenous materials, that is to say, materials manufactured in India or the State of Pondicherry, on which Central Excise duty has been paid;

(b) "goods" means confectionery of the varieties mentioned in the Schedule to these Rules, other than confectionery manufactured for export in accordance with the procedure laid down in rule 191 of the Central Excise Rules, 1944; and

(c) "refund" means drawback of import duty paid on foreign materials and rebate of Central Excise duty paid on indigenous materials.

3. **Goods in respect of which refund may be paid.**—Subject to provisions of the Sea Customs Act, 1878 (8 of 1878) and the Central Excises and Salt Act, 1944 (1 of 1944) and of these rules, and subject also to such of the provisions of the Central Excises Rules, 1944 as may be applicable in this behalf, a refund shall be allowed in respect of the duty-paid materials used in the manufacture of goods

exported from India or the State of Pondicherry, or shipped as provisions or stores for use on board a ship proceeding to a foreign port.

**4. Rate of refund.**—The rate of refund admissible under these rules shall be as specified in the Schedule to these Rules.

**5. Exporters' declarations and documents.**—At the time of the shipment of the goods, the shipper shall—

- (i) make a declaration on the relative shipping bill that a claim for refund under these rules is being made;
- (ii) state on the shipping bill, the description, quantity and such other particulars as are necessary for the determination of the rate and amount of refund; and
- (iii) furnish the Customs Collector with a copy of the shipment invoice or any other document giving details of the description, quantity and value of the goods under shipment.

**6. Time-limit for refund claim.**—No payment of refund shall be made under these rules unless the shipper prefers his claim for refund within six months from the date or entry for shipment duly supported by evidence of compliance with the provisions of these rules.

**7. Powers of Customs Collector.**—For the purpose of these rules, the Customs Collector may require the shipper or the manufacturer of the goods to produce any books or accounts of the duty-paid materials used in the manufacture of the goods and the duty paid thereon.

**8. Access to manufactory.**—The manufacturer of the goods in respect of which a refund is claimed under these rules shall give access to every part of the manufactory to any officer of the Central Government specially authorised in this behalf by the Chief Customs Officer or the Chief Customs Authority, to enable the officer so authorised to inspect the processes of manufacture and to verify by actual check or otherwise the statement made in support of the claim for refund.

#### SCHEDULE

Description of the goods	Rate of refund per one hundred pounds of goods
(i) Boiled sweets, unwrapped	Eleven rupees and fifteen naye paise.
(ii) Boiled sweets, wrapped	Fifteen rupees.
(iii) Boiled sweets, soft-centred	Thirteen rupees and thirty naye paise.
(iv) Toffees	Eighteen rupees.

[No. 46/F. No. 34/111/57. Cus-IV.]

M. A. RANGASWAMY, Deputy Secy.

#### ERRATA

In the Ministry of Food and Agriculture (Department of Food) Order No. 203(31)/57-PYII, dated the 25th June 1958, published under G.S.R. 526 in the *Gazette of India Extraordinary*, Part II—Sec. 3(i) (Issue No. 91), dated the 25th June 1958, the following correction is to be made:—

At page 255 in the 2nd line—

for “(i) and (ii)” read “(i) and (j)”.

In the Ministry of Food and Agriculture (Department of Food) Order No. 201(26)/58-PYII, dated the 3rd July 1958, published under G.S.R. 567 in the *Gazette of India Extraordinary*, Part II—Sec. 3(i) (Issue No. 99), dated the 3rd July 1958 the following corrections are to be made:—

At page 272 in Schedule II—

- (1) In the 4th line of heading of col. 3, for “c2llumn” read “column”;
- (2) In sub-item 1 of item 1 in the column 2, insert “1”;
- (3) In sub-item 2 of item 1 in the 2nd line, for “weevilleed” read “weevilled”;
- (4) In item 3, for “varities” read “varieties”;
- (5) In item 4, column 3, for “at  $\frac{1}{2}$ ” read “at  $\frac{1}{4}$ ”.